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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,043	09/26/2003	Daniel White Sexton	125836-1	1099
6/147 7590 08/28/2009 GENERAL ELECTRIC COMPANY GLOBAL RESEARCH PATENT DOCKET RM. BLDG. K1-4A59 NISKAYUNA, NY 12309				
EXAMINER SINKANTARAKORN, PAWARIS				
ART UNIT 2416		PAPER NUMBER		
NOTIFICATION DATE 08/28/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ldocket@crd.ge.com

rosssr@crd.ge.com

parkskl@crd.ge.com

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/672,043

Applicant(s)

SEXTON ET AL.

Examiner

Pao Sinkantarakorn

Art Unit

2416

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 August 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-20.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Ricky Ngo/
Supervisory Patent Examiner, Art Unit 2416

/Pao Sinkantarakorn/
Examiner, Art Unit 2416

Continuation of 11, does NOT place the application in condition for allowance because:

On pages 2-3 and 5 of the Remarks, the Applicants submit that Scott does not disclose a device including "a first portion communicably connectable to a first point and a second point and configured to manage collisions" and a "second portion connectable, in parallel with the first portion, to the first point and the second point, the second portion being configured to transmit free of collision management" as recited in each of independent claims 1, 10, and 18. On page 4 of the Remarks, the Applicants further submit that Scott discloses the device of Fig. 5 operates such that "the domains 14, 16 may be coupled externally for data transfer there-between" via a "bridge device." Thus, the Applicants conclude that the bridge device mentioned in Scott is equivalent to bridge ports described in Fig. 2 of Scott. The Examiner respectfully disagrees. The bridge device that Scott describes is simply the adaptive networking device that is coupled externally for data transfer between the domain 14 and the domain 16. The bridge device that Scott describes in column 10 lines 13-14 is not the same as bridge ports described in Fig. 2 of Scott.

Furthermore, The Applicants submit that messages traverse the following path: first domain data device (18) -> switch/repeater module (62,172)-> bridge port (38a) -> bridge (40) -> link (44) -> bridge (42) -> bridge port (38b) -> switch/repeater module (64,176) -> second domain data device (26). The Examiner respectfully disagrees. Again, the Applicants misunderstood the bridge device described in Scott to be bridge ports in Fig. 2 of Scott. Thus, the Applicants attempt to combine Fig. 2 and Fig. 5 of Scott together when there is no teaching in Scott about the combination. There is no bridge port described or shown in either Figure 4 or Figure 5 of Scott or the relevant portion in the specification. Scott discloses that data packets from the network 18 transmitted to the adaptive networking device 151 and intended for a data device in network 20 are re-transmitted by the adaptive networking device 151 to port P(n-2) and thus to the network 20 only. In contrast to the operation of the adaptive repeater 12, these data packets intended for the network 20 are not transmitted to any other port of the adaptive networking device 151 (see column 8 lines 56-63). Thus, Scott discloses that the adaptive repeater 12 in Fig. 2 operates differently from the adaptive networking device 151 in Fig. 5. If the data packets intended for network 20 are not transmitted to any other port of the adaptive network device 151, then the data packets are not transmitted to the repeater module 176 because the operation of the repeater module 176 is to re-transmit data sourced from any of the data devices connect to one port to all other ports associated with the second domain (see column 9 lines 12-15). According to the Applicants' Remarks, the data packets traverse through the switch module 172 first, and then the data packets are transmitted to the repeater module 176. If the data packets are forwarded to the repeater module 176 from the switch module 172, the repeater module 176 will perform its operation, which is to re-transmit data sourced from any of the data devices connect to one port to all other ports associated with the second domain (see column 9 lines 12-15). However, the statement contradicts with Scott's teaching because Scott teaches the switch module transmitting to port P(n-2) and thus to network 20 only. The messages transmitted from the switch module 172 do not traverse through the repeater module 176. Thus, the switch module 172 is connected in parallel with the repeater module 176.

Accordingly, Scott discloses a device including a first portion communicably connectable to a first point and a second point and configured to manage collisions and a second portion connectable, in parallel with the first portion, to the first point and the second point, the second portion being configured to transmit free of collision management.